

Hawaii State Association of Counties

Counties of Kauai, Maui and Hawaii, City & County of Honolulu



MINUTES
HSAC EXECUTIVE COMMITTEE MEETING
July 27, 2012
Honolulu Hale, Council Committee Room
Honolulu, Hawaii

I. CALL TO ORDER

The HSAC Executive Committee was called to order by President Mel Rapozo at 10:06 a.m. The following members comprised a quorum:

County of Kauai:	President Mel Rapozo
County of Hawaii:	Vice President K. Angel Pilago
City and County of Honolulu:	Secretary Stanley Chang
County of Maui:	Treasurer Joseph Pontanilla
Others Present:	Honolulu staff Shane Killeen Honolulu staff Kimberly Ribellia Honolulu staff Steve Uyeno Honolulu staff Denisse Gee Kauai staff Ashley Bunda Maui staff Kirsten Hamman Kawani Evenger, member of the public

II. APPROVAL OF AGENDA

The Committee approved the agenda.

III. MINUTES

The Committee approved the minutes of the June 22, 2012, Executive Committee meeting.



IV. REPORTS

A. Treasurer's Reports.

The following item was approved by the Executive Committee:

1. Treasurer's Report for June 2012, as submitted by the HSAC Treasurer.

B. County Reports

1. Maui County Report. Treasurer Pontanilla reported that the primary issue facing the Council is the Maui Island Plan.
2. Hawaii County Report. Vice President Pilago reported that Council Chair Yagong expressed appreciation for the four Counties' support of the HSAC annual meeting held in Hawaii County on June 21 – 22, 2012. He stated that the annual meeting went very well but said that conference attendance numbers were lower than what was anticipated. He further reported that Mayor Kenoi vetoed three bills, as follows: 1) Authorization to use \$1.5M from the Geothermal Relocation Fund for relocation expenses tied to the possible health effects affecting the proximate community to the Puna geothermal plant; 2) Initiation of a public health survey to gather baseline data regarding the health issues stemming from the Puna geothermal plant; and 3) Charter amendment addressing GASB 45 relating to retirement fund investment. He stated that the Council will be discussing possible veto overrides for all three measures.
3. City and County of Honolulu Report. Secretary Chang reported that at its August 15 meeting, the full Council is scheduled to hear Honolulu's proposed HSAC legislative proposals as approved by the Executive Matters and Legal Affairs subject committee. Mayor Carlisle's cuts to bus service in lieu of increasing rider fares has engendered public outcry, especially the administration's reduction and changes to existing bus routes. Additionally, Mayor Carlisle vetoed Bill 11 which banned all commercial activity at Kailua and Kalama beach parks. He apprised the Committee that the Council continues to experience significant disruptive behavior during public hearings from a fellow Councilmember. Treasurer Pontanilla commented that when a controversial measure comes before the Maui Council, the police department is called to attend the meeting. President Rapozo stated that Kauai Council rules allows disciplinary action be taken against Councilmembers if authorized via a supermajority vote by the Council and that the Kauai Council

has a pending disciplinary action against a Kauai Councilmember for disruptive behavior during an executive session.

4. Kauai County Report. President Rapozo reported that the Council passed the FY 2013 budget with a 5-2 vote and noted that Mayor Carvalho did not sign the bill. Additionally, the Council introduced two bills, by request of the administration, addressing an almost \$1M deficit in the FY 2013 budget. He stated that in compliance with the County charter, the Council passed a balanced FY 2013 budget on May 30. However, at the end of June, the Council was subsequently informed by the administration that capital improvement projects (CIP) monies that were earmarked to be transferred to the general fund in FY 2013 were in fact encumbered for on-going CIP. He emphasized that the Council was informed by the administration that the earmarked CIP monies were available for transfer in FY 2013 before the Council passed the budget on May 30. He stated that any charter violation constitutes a misdemeanor criminal offense and that the administration has placed the entire County at risk. He further informed the Committee about the following measures being considered by the Council, as follows: 1) A bill banning smoking in City parks was referred back to the subject committee; 2) A bill addressing false alarms; and 3) The appropriate legislative response to the administration's eminent domain for public use seizure of a large parcel of private land located on the North Shore.

- C. NACo Report. Treasurer Pontanilla reported that all nine members of the Maui Council attended the annual conference held July 13 – 17 in Pittsburgh to support Maui Councilmember G. Riki Hokama's candidacy to be NACo's second Vice President. He further informed the Committee that HSAC hosted a hospitality room at the conference to promote Kauai County's selection as the WIR annual conference site in 2015. Secretary Chang apprised the Committee that NACo has hired a new executive director. He further informed the Committee that Councilmember Garcia hosted a panel on international tourism at the annual conference which was well attended and received by the audience. President Rapozo suggested that HSAC send a congratulatory certificate to Maui Councilmember Hokama on his successful bid to be NACo's second Vice President. He informed the Committee that the City and County of Honolulu and Hawaii County are the two outstanding counties that have not yet completed the county rosters required by the NACo prescription discount card program in order for HSAC to receive the \$500 endorsement fee from NACo. Treasurer Pontanilla and President Rapozo apprised the Committee about the marketing resources available through NACo to promote the NACo prescription discount card program statewide.

- D. WIR Report. Vice President Pilago reported that the predominant issues concerning WIR Board of Directors are, as follows: 1) Natural gas resources; 2) The diminution of the federal Antiquities Act of 1906; and 3) The diminution of the federal Endangered Species Act of 1976. He further reported that the WIR member-states look toward Hawaii for guidance regarding statutory language to protect coastal lands from tsunami debris and ban on plastic bags. President Rapozo stated that he is contemplating introducing a bill to allow the use of biodegradable plastic bags in Kauai County akin to the plastic bag ban ordinance recently passed by the City and County of Honolulu. Treasurer Pontanilla stated that Maui County ordinance bans all plastic bags outright. President Rapozo confirmed that Hawaii County's plastic bag ban ordinance mirrors the Maui County ordinance. Vice President Pilago stated that the issue of banning the use of plastic bags will be at the forefront of future WIR conferences.

V. UNFINISHED BUSINESS

There was no unfinished business.

VI. NEW BUSINESS

- A. Communication from Hawaii County Vice Chair K. Angel Pilago regarding the approval by the Hawaii County Council of the FY 2013 HSAC officer slate.

Vice President Pilago stated that the Council will replace Hawaii County HSAC Alternate Brittany Smart with Hawaii Councilmember Dennis "Fresh" Onishi in an upcoming Council meeting.

This item was received and filed.

- B. Communication from Maui County Clerk Jeffrey T. Kuwada regarding the approval by the Maui County Council of the FY 2013 HSAC officer slate.

This item was received and filed.

- C. Communication from HSAC President Mel Rapozo to approve a proposed amendment to the FY 2013 HSAC operating budget.

This item was approved.

- D. Discussion regarding the NACo Prescription Discount Card Program.

This item was received and filed.

E. Presentation by Dr. Clifton Otto, MD, regarding the accepted medical use of cannabis.

Dr. Clifton Otto, MD, stated that the topic of his presentation is the legal recognition of the medical use of cannabis. He stated that he is not in favor of the legalization of marijuana for recreational use. He stated that his presentation focuses on the legal issues surrounding the medical use of cannabis.

He outlined the federal guidelines regarding the medical use of cannabis. He apprised the Committee that 17 states plus the District of Columbia allow the medical use of cannabis. He informed the Committee that the main side effect of overdosing on cannabis is falling asleep, however, cannabis users continue breathing while unconscious.

He informed the Committee that Hawaii's medical marijuana program has been in effect since December 28, 2000. He emphasized that Chapter 329, Hawaii Revised Statutes, specifies that individuals may use marijuana for medical use only, not "medicinal" or "alternative" use, and defines "debilitating medical condition."

He informed the Committee that Gonzales v. Oregon (2006) confirmed that states have the authority to decide the medical use of Schedule II controlled substances. He opined that federal law is in discrepancy with state law because the federal Controlled Substance Act states that there is no acceptable medical use of a Schedule I substance. He reminded the Committee that marijuana is currently classified on the federal level as a Schedule I substance. He further stated that the federal government prefers that the United States Food and Drug Administration's (FDA) established protocol of phase I through phase III randomized placebo controlled clinical trials be the process by which marijuana is approved or disapproved for medical use.

Dr. Otto opined that state action is a viable alternative to the FDA approval protocol. He summarized the Hawaii Uniformed Controlled Substances Act. He stated that his goal is to remove cannabis from the federal Schedule I to provide safe access to medical marijuana for legitimate patients and eliminate the risks that physicians encounter when attempting to conduct research regarding the use of medical marijuana.

He stated that his legislative proposal requires the Hawaii State Attorney General to file a federal injunction to block further federal enforcement of the federal Controlled Substances Act until cannabis can be removed from the federal Schedule I and requires the Governor to take action to have

the United States Department of Justice recognize Hawaii's authority to decide the medical use of controlled substances.

Vice President Pilago explained the process by which individual legislative proposals are included in the HSAC legislative package. He asked Dr. Otto if his County Council had approved his legislative proposal. Dr. Otto replied that his legislative proposal was rejected by his elected officials because of the controversy that surrounds medical marijuana.

Treasurer Pontanilla confirmed that Dr. Otto was seeking approval by the Committee to include this legislative proposal in the HSAC legislative package.

President Rapozo expressed concerns with the Hawaii Uniformed Controlled Substance Act and its potential for abuse, specifically, the ability for individuals to apply for a state medical marijuana permit to treat "chronic pain." He emphasized that he recognizes and appreciates the benefits of medical marijuana in the treatment of medically diagnosed diseases such as multiple sclerosis or cancer. He asked Dr. Otto what his position was on the use of medical marijuana for "chronic pain."

Dr. Otto opined that cannabis is the ideal treatment for "chronic pain" as it is much safer than vicodin or oxycodone. He reminded the Committee of the state's Pain Patient Bill of Rights which protects patients' rights to choose alternative pain treatments in discussions with their physician. Dr. Otto opined that the real problem is that the state does not properly regulate permit holders growth and use of medical marijuana. He stated that in contrast, the state of Colorado heavily regulates the use of medical marijuana and opined that, as such, medical marijuana use in Colorado is not as controversial as in Hawaii or California.

Treasurer Pontanilla queried why Dr. Otto stated that cannabis is safer than vicodin and oxycodone. Dr. Otto replied that vicodin and oxycodone is a narcotic that is prone to abuse and has a narrow therapeutic margin which causes users to overdose. He further outlined the side effects of these narcotics, such as anxiety, depression and insomnia.

Treasurer Pontanilla further queried Dr. Otto about the amount of tax revenues generated from the legal use of medical marijuana in the state of California. Dr. Otto said that California does not have a consistent public policy regarding medical marijuana and that each county is allowed the discretion to establish individual tax policies regarding medical marijuana. He opined that Colorado is a better example because Colorado has placed the sole authority to tax medical marijuana in its Department of Revenue. Dr. Otto added that he believed that cannabis should be

pharmaceutically prepared and accessed only by prescription, similar to the practice in Amsterdam, Netherlands.

This item was received and filed.

VII. ANNOUNCEMENTS

A. Schedule next meeting.

The next Executive Committee meeting was scheduled for August 31, 2012, at Honolulu Hale.

The September Executive Committee meeting was scheduled for September 11, 2012, at Honolulu Hale.

B. Other Announcements.

President Rapozo reminded the Committee that all County legislative proposals to be included the HSAC legislative package must be submitted to the Committee for consideration by August 31, 2012.

Treasurer Pontanilla informed the Committee that Maui County may request that the subcommittee formed to examine the hiring of an Executive Director for HSAC make a presentation before the Maui Council at a future date.

VIII. ADJOURNMENT

The meeting was adjourned at 11:15 a.m.

Very truly yours,

A handwritten signature in black ink, appearing to read 'St Chang', with a large, stylized flourish at the end.

STANLEY CHANG
Secretary
Hawaii State Association of Counties